



मामला क्रमांक सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<u>HIGH COURT OF CHHATTISGARH AT BILASPUR</u>	
	<u>CR.M.P. NO. 64 OF 2007</u>	
	<u>APPLICANTS</u>	1. Anand Soni, S/o Punamchand Soni, aged about 27 years, 2. Punamchand Soni, S/o Late Surajbhan Soni, Aged about 54 years. 3. Smt. Sharda Devi, W/o Punamchand Soni, Aged about 50 years. 4. Vinod Soni, S/o. Punamchand Soni, Aged about 25 years. All R/o Kotara Road, Thana & Tahsil & District Raigarh (CG) 5. Pana Devi D/o Surajbhan Soni, Aged about 47 years, R/o Kotara Road, Thana & Tahsil & District Raigarh (CG) 6. Smt. Kiran Soni, D/o Punamchand Soni, Aged about 29 years, R/o Kotara Road, Thana & Tahsil & District Raigarh (CG)
	<u>NON-APPLICANT</u>	<u>VERSUS</u> 1. State of Chhattisgarh Through : District Magistrate, Raigarh (C.G.)

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	2. Maya Soni D/o Banwari Lal Agrawal, Aged about 25 years, R/o Bhajandipa, Raigarh Tahsil & District Raigarh (CG)	
	Present: Mr. S.K. Tiwari, counsel for the applicants. Mr. Arun Sao, GA for the State/non-applicant No. 1. Mrs. Hamida Siddiqui, counsel for the non-applicant No. 2.	
	ORAL ORDER (6 th September 2007)	
	<u>Dhirendra Mishra, J</u> The applicants by the instant petition under Section 482 of the Code of Criminal Procedure have prayed for quashing of the order dated 8.11.2006 passed in criminal revision No. 57/06 as well as criminal proceeding in criminal case No. 1726/04 pending in the Court of Chief Judicial Magistrate, Raigarh (CG). Brief facts necessary for adjudication of this petition are that on 25.1.2002 non-applicant No. 2/complainant swore an affidavit of Annexure P/1 mentioning therein that she intends to marry applicant No.1 as per Hindu customs as she is in love with him. Thereafter, on the report of the non-applicant No. 2 that the applicants subjected her to cruelty in the name of demand of dowry, the Chief Judicial Magistrate forwarded the	

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	complaint to the P.S. - City Kotwali, Raigarh for enquiry under Section 156(3) of the Cr.P.C. whereupon offence under Sections 498A and 323 of the IPC was registered and charge sheet was filed in the Court and the learned trial Court framed charges under Sections 498A, 323 of the IPC and 3 & 4 of the Dowry Prohibition Act against the applicants. The non-applicant No. 2/complainant also instituted a civil suit bearing No. 156A/03 in the Court of IV Civil Judge, Class-II, Raigarh and in the said suit a temporary injunction was granted to the non-applicant No. 2 restraining the applicant No. 1 from contracting second marriage. The applicants preferred an appeal in the Court of II Additional District Judge, Raigarh and the order of temporary injunction passed in favour of non-applicant No. 2 was set aside. Thereafter, an application under Section 125 of the Cr.P.C. was filed by non-applicant No. 2 which was registered as Misc. Cr. Case No. 85/03 in the Court of Judicial Magistrate First Class, Raigarh. However, the application of the non-applicant No. 2 for interim maintenance was rejected on the ground that non-applicant No. 2 has failed to prove the marriage. Subsequently, the applicants and non-applicant No. 2 entered into a compromise on 13.1.2006 vide settlement deed of Annexure P/7 and by the said compromise the parties admitted that they are desirous of compounding the criminal case No. 1726/04, Civil Suit No. 156A/03 and Case No. 148/05 under Section 125 of Cr.P.C. pending in the Family	

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	Court. In the compromise deed it was also mentioned that the applicant No. 1 and non-applicant No. 2 were in fact in love with each other, however, since their relationship was not approved by their relatives, they are not willing to reside together. On the basis of above compromise it was prayed that the proceedings initiated by the non-applicant No. 2 may be quashed. It is also brought to the notice of this Court that on the basis of above compromise deed, civil suit No. 156A/03 and Misc. Cr. Case No. 148/05 pending in the Family Court have already been compounded in Lok Adalat vide documents of Annexure P/9 and P/10. An affidavit has also been sworn by the present applicants that since then non-applicant No. 2 has already got married in the year 2005 and she is blessed with a child. Mrs. Hamida Siddique, learned counsel for non-applicant No. 2 also submits that parties have entered into a compromise vide document of Annexure P/7 and on the basis of above compromise civil suit No. 156A/03 and M.Cr.C.No. 148/05 pending in the Family Court, Raigarh have already been compounded in Lok Adalat. Non-applicant No. 2 has been married since then in the month of November 2005, she is living peacefully with her husband at Jaipur, Rajasthan and is blessed with a child. She further submits that she has	

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	received instructions from non-applicant No. 2 that she has no objection if the criminal proceedings in criminal case No. 1726/04 against the applicants is quashed. In view of the above averments made in the petition, which are not denied by learned counsel for the non-applicant No.2, continuance of the proceedings in criminal case No. 1726/04 on the basis of above complaint would be an abuse of process of law. In the result, the petition is allowed. Order dated 8.11.2006 of Annexure P/12 is set aside and criminal proceedings against the applicants in criminal case No. 1726/04 are hereby quashed.	Sd/- DHIRENDRA MISHRA Judge